

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARFIELD G. HENRY,

Docket No.: 21-cv-10115  
(PMH)(AEK)

Plaintiff,

-against-

MAHOPAC CENTRAL SCHOOL DISTRICT,

Defendant.

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**DECLARATION OF  
KAREN RUDNICKI  
IN SUPPORT OF  
MOTION TO DISMISS  
PLAINTIFF'S  
COMPLAINT**

**KAREN RUDNICKI, ESQ.**, an attorney duly admitted to practice law in the United States District Court for the Southern District of New York, hereby deposes and says subject to the penalties of perjury:

1. I am an associate at the law firm of SILVERMAN & ASSOCIATES, attorneys for the defendant. I am fully familiar with the facts and circumstances of this matter based on my review of the file maintained by my office in defense of this litigation.

2. This Declaration is submitted in support of the defendant's Motion pursuant to 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, seeking dismissal of the plaintiff's Complaint with prejudice for failure to state a claim, for untimeliness, and for lack of subject matter jurisdiction.

3. As is more fully discussed in the accompanying Memorandum of Law, the plaintiff's claims alleged in the Complaint should be dismissed with prejudice as a matter of law because the plaintiff has failed to plausibly and adequately plead a claim of race discrimination pursuant to Title VII or the New York State Human Rights Law ("NYSHRL") In addition, the

plaintiff's failure to comply with a condition precedent divests the Court of subject matter jurisdiction over the plaintiff's NYSHRL claims, and the plaintiff's state law claims, to the extent alleged, are time-barred, and inadequately alleged.

4. In support of the instant motion, annexed hereto are the following exhibits:

- a. Exhibit "A" – Plaintiff's Complaint.

Dated: White Plains, New York

March 1, 2022



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**KAREN RUDNICKI**